

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

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4 JIANMIN SUN,

5 Plaintiff,

6 v.

7 RACHEL L. JOHNSON, and
8 CARRIE TEAGER,

9 Defendants.

Case No. 2:21-cv-02180-APG-EJY

ORDER TO SHOW CAUSE

10 On December 10, 2021, Defendant Rachel L. Johnson, filed an incomplete Application to
11 Proceed *In Forma Pauperis* (“IFP”), attached to which is a Notice of Removal, a Complaint filed in
12 the Eighteenth Judicial Circuit Dupage County, Illinois, a Certificate of Service, and a Civil Cover
13 Sheet. ECF Nos. 1-1-4.

14 **I. *In Forma Pauperis* Application**

15 Defendant’s IFP application is incomplete. Defendant failed to fill in the blanks or answer
16 any questions on the form. Pursuant to 28 U.S.C. § 1915(a)(1) and the U.S. District Court for the
17 District of Nevada Local Rule LSR 1-1, “[a]ny person who is unable to prepay the fees in a civil
18 case may apply to the court for leave to proceed *in forma pauperis*. The application must be made
19 on the form provided by the court and must include a financial affidavit disclosing the applicant’s
20 income, assets, expenses, and liabilities.” Because Defendant’s IFP application is incomplete, her
21 request to proceed without prepaying fees is denied without prejudice.

22 **II. Screening the Complaint**

23 As stated above, Defendant’s IFP application was accompanied by a Notice of Removal
24 (ECF No. 1-1), a Complaint filed in Eighteenth Judicial Circuit Dupage County, Illinois (ECF No.
25 1-2), a Certificate of Service (ECF No. 1-3), and a Civil Cover Sheet (ECF No. 1-4). Defendant fails
26 to establish this Court has subject matter or personal jurisdiction over the parties. Subject matter
27 jurisdiction arises from a federal question or diversity of the parties. 28 U.S.C. §§ 1331, 1332.
28 Personal jurisdiction is established when: “(1) provided for by law; and (2) the exercise of

1 jurisdiction comports with due process.” *Southport Lane Equity II, LLC v. Downey*, 177 F. Supp.
 2 3d 1286, 1290 (D. Nev. 2016) *citing Greenspun v. Del E. Webb Corp.*, 634 F.2d 1204, 1207 (9th
 3 Cir. 1980). “When no federal statute governs personal jurisdiction, a federal court applies the law
 4 of the forum state.” *Id. citing Boschetto v. Hansing*, 539 F.3d 1011, 1015 (9th Cir. 2008). Where a
 5 state, such as Nevada, has a “long-arm” statute providing “jurisdiction to the fullest extent permitted
 6 by the Due Process Clause of the Fourteenth Amendment, a court need only address federal due
 7 process standards.” *Id. citing Arbella Mut. Ins. Co. v. Eighth Judicial Dist. Court*, 122 Nev. 509,
 8 134 P.3d 710, 712 (2006) (citing Nev. Rev. Stat. § 14.065); *Boschetto*, 539 F.3d at 1015. Under
 9 these standards, a defendant must generally have “certain minimum contacts” with the forum state
 10 before personal jurisdiction will be established. *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316
 11 (1945).

12 Personal jurisdiction may be established in one of two ways: “general jurisdiction and
 13 specific jurisdiction.” *Boschetto*, 539 F.3d at 1016; *see also Helicopteros Nacionales de Colombia,*
 14 *S.A. v. Hall*, 466 U.S. 408, 413–414 (1984). In this case, Defendant pleads no facts in support of
 15 Nevada’s exercise of personal jurisdiction under either theory. ECF No. 1-2. In fact, Defendant
 16 fails to make any claims regarding any party’s relationship with the State of Nevada.

17 Accordingly, IT IS HEREBY ORDERED that Defendant’s application to proceed *in forma*
 18 *pauperis* (ECF No. 1) is DENIED without prejudice.

19 IT IS FURTHER ORDERED that the Clerk of Court shall send Defendant the approved form
 20 application to proceed *in forma pauperis* by a non-prisoner, as well as the document entitled
 21 information and instructions for filing an *in forma pauperis* application.

22 IT IS FURTHER ORDERED that on or before **January 14, 2022**, Defendant shall either:
 23 (1) file a fully complete application to proceed *in forma pauperis* in compliance with 28 U.S.C. §
 24 1915(a) and LSR 1-1; or (2) pay the full \$402 fee for filing a civil action (which includes the \$350
 25 filing fee and the \$52 administrative fee).

26 IT IS FURTHER ORDERED that Defendant is directed to show cause, in writing, no later
 27 than **January 14, 2022**, why this matter should not be dismissed for lack of personal jurisdiction.

1 IT IS FURTHER ORDERED that failure to timely comply with the terms of this Order will
2 result in a recommendation to dismiss this action without prejudice.
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4 Dated this 16th day of December, 2021.

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7 ELAYNA J. YOUCRAH
8 UNITED STATES MAGISTRATE JUDGE
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